

**DECEMBER 21, 2007**

**MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

**07 C 7190**

**PSN ILLINOIS, LLC,  
an Illinois corporation,**

**Plaintiff,**

**vs.**

**Abcam, Inc.; Abgent, Inc.;  
Affinity Bioreagents, Inc.;  
Discoverx Corporation;  
Exalpa Biologicals, Inc.;  
Genetex, Inc.; LifeSpan Biosciences, Inc.;  
Multispan, Inc.; and  
Novus Biologicals, Inc.**

**Defendants.**

**Case No.**

**COMPLAINT FOR  
PATENT INFRINGEMENT**

**DEMAND FOR JURY TRIAL**

**JUDGE HIBBLER  
MAGISTRATE JUDGE VALDEZ**

**COMPLAINT**

1. Plaintiff, PSN ILLINOIS, LLC. ("PSN"), complains of defendants Abcam, Inc.; Abgent; Affinity Bioreagents, Inc.; Exalpa Biologicals, Inc.; Genetex, Inc.; LifeSpan Biosciences, Inc.; Multispan, Inc.; and Novus Biologicals, Inc. ("Defendants") as follows:

**NATURE OF LAWSUIT**

2. This is a claim for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code.

**THE PARTIES**

3. PSN is an Illinois corporation with a place of business at 280 W. Adams Street, Chicago, Illinois 60604. PSN is the assignee of, and owns all rights, title and interest in and to, and has standing to sue for past, present and future infringement of:

United States Patent No. 5,856,443, entitled “Molecular Cloning And Expression of G-Protein Coupled Receptors,” issued on Jan. 5, 1999 (“the ‘443 patent”) (Exhibit A); and United States Patent No. 6,518,414B1, entitled “Molecular Cloning And Expression of G-Protein Coupled Receptors,” issued on Feb. 11, 2003 (“the ‘414 patent”) (Exhibit B) (collectively “PSN’s Patents”).

4. Defendant Abcam, Inc. (Abcam) is a company incorporated in Massachusetts with a principal place of business at 1 Kendall Square, Bldg. 200, Suite 341, Cambridge, Massachusetts, 02139-1517. Abcam transacts business and has sold to customers and/or offered for sale, in this judicial district, products and services that infringe claims of one or more of PSN’s Patents, as discussed below.

5. Defendant Abgent, Inc. (Abgent) is a company incorporated in California company with a principal place of business at 6310 Nancy Ridge Drive, Suite 106, San Diego, California 92121. Abgent transacts business and has sold to customers, and/or offered for sale, in this judicial district, products and services that infringe claims of one or more of PSN’s Patents, as discussed below.

6. Defendant Affinity Bioreagents, Inc. (Affinity) is a company incorporated in New Jersey with a principal place of business at 4620 Technology Drive, Suite 600, Golden, Colorado 80403. Affinity transacts business and has sold to customers and/or offered for sale, in this judicial district. products and services that infringe claims of one or more of PSN’s Patents, as discussed below.

7. Defendant Discoverx Corporation (Discoverx) is a company incorporated in Delaware with a principal place of business at 42501 Albrae Street, Suite 100, Fremont, California 94538. Discoverx transacts business and has sold to customers

and/or offered for sale, in this judicial district, products and services that infringe claims of one or more of PSN's Patents, as discussed below.

8. Defendant Exalpa Biologicals, Inc. (Exalpa) is a company incorporated in Massachusetts with a principal place of business at 5 Clock Tower Place, Suite 255, Maynard, Massachusetts 01754. Exalpa transacts business and has sold to customers, and/or offered for sale, in this judicial district, products and services that infringe claims of one or more of PSN's Patents, as discussed below.

9. Defendant Genetex, Inc. (Genetex) has a principal place of business at 14785 Omicron Drive, Suite 101, San Antonio, Texas 78245. Genetex transacts business and has sold to customers, and/or offered for sale, in this judicial district, products and services that infringe claims of PSN's Patents.

10. Defendant LifeSpan Biosciences, Inc. (LifeSpan) is a company incorporated in Washington with a principal place of business at 2401 Fourth Avenue, Suite 900, Seattle, Washington 98121-3458. LifeSpan transacts business and has sold to customers and/or offered for sale, in this judicial district, products and services that infringe claims of one or more of PSN's Patents, as discussed below.

11. Defendant Multispan, Inc. (Multispan) is a company incorporated in Delaware with a principal place of business at 26219 Eden Landing Road, Hayward, California 94545-3718. Multispan transacts business and has sold to customers and/or offered for sale, in this judicial district, products and services that infringe claims of one or more of PSN's Patents, as discussed below.

12. Defendant Novus Biologicals, Inc. (Novus) is a company incorporated in Delaware with a principal place of business at 8100 Southpark Way, Suite A-8, Littleton,

Colorado 80120. Novus transacts business and has sold to customers and/or offered for sale, in this judicial district, products and services that infringe claims of one or more of PSN's Patents, as discussed below.

### **JURISDICTION AND VENUE**

13. This Court has exclusive jurisdiction over the subject matter of the Complaint under 28 U.S.C. §§ 1331 and 1338(a).

14. Venue in this judicial district is proper under 28 U.S.C. §§ 1391(b), (c), (d) and/or 1400(b).

### **THE DEFENDANTS' ACTS OF PATENT INFRINGEMENT**

15. Defendant Abcam has infringed claims of at least the '443 and '414 patents through, among other activities, the manufacture, use, offer for sale, sale, and/or distribution of products and services utilizing Sphingosine 1-Phosphate Receptor 2/ aka Edg 5/ aka p<sup>H218</sup> ("S1P2") that fall within the scope of claims of these patents, including the following products:

- i. S1P2 antibody (Catalog # ab13128)
- ii. S1P2 antibody (Catalog # ab13127)
- ii. S1P2 antibody (Catalog # ab13395)
- iv. S1P2 antibody (Catalog # ab38321)

16. Defendant Abgent has infringed claims of at least the '443 and '414 patents through, among activities, the manufacture, use, offer for sale, sale, and/or distribution of products and services utilizing Sphingosine 1-Phosphate Receptor 2/ aka Edg 5/ aka p<sup>H218</sup> ("S1P2") that fall within the scope of claims of these patents, including the following products:

- i. S1P2 purified rabbit polyclonal antibody (Catalog # AP6141a)
- ii. S1P2 antibody (N-term) blocking peptide (Catalog # BP6141a)

17. Defendant Affinity has infringed claims of at least the '443 and '414 patents through, among activities, the manufacture, use, offer for sale, sale, and/or distribution of products and services utilizing Sphingosine 1-Phosphate Receptor 2/ aka Edg 5/ aka  $p^{H218}$  ("S1P2") that fall within the scope of claims of these patents, including the following products:

- i. S1P2 antibody (Catalog # PA1-23523)
- ii. S1P2 antibody (Catalog # PA1-20777)
- iii. S1P2 antibody (Catalog # PA1-20633)
- iv. S1P2 antibody (Catalog # PA1-20634)

18. Defendant Discoverx has infringed claims of at least the '443 and '414 patents through, among activities, the manufacture, use, offer for sale, sale, and/or distribution of products and/or services utilizing Sphingosine 1-Phosphate Receptor 2/ aka Edg 5/ aka  $p^{H218}$  ("S1P2") that fall within the scope of claims of these patents, including the following: a S1P2-expressing cell line (PathHunter™ CHO-K1 EDG5 ); and services involving the B-arrestin assays and the S1P2-expressing cell line, including a screening platform for monitoring GPCR protein activation following ligand stimulation, which makes use of the S1P2 receptor.

19. Defendant Exalpa has infringed claims of at least the '443 and '414 patents through, among other activities, the manufacture, use, offer for sale, sale, and/or distribution of products and service utilizing Sphingosine 1-Phosphate Receptor 2/ aka

Edg 5/ aka  $p^{H218}$  (“S1P2”) that fall within the scope of claims of these patents, including these products:

- i. Polyclonal antibody (Catalog # X1591P)
- ii. Polyclonal antibody (Catalog # X10911P)
- iii. Monoclonal antibody (Catalog # C190M)
- iv. Membrane preparation of the S1P2 protein (Catalog # X1572MP)
- v. Control Lysate for the S1P2 protein (Catalog # X1486C)

20. Defendant Genetex has infringed claims of at least the ‘443 and ‘414 patents through, among activities, the manufacture, use, offer for sale, sale, and/or distribution of products and service utilizing Sphingosine 1-Phosphate Receptor 2/ aka Edg 5/ aka  $p^{H218}$  (“S1P2”) that fall within the scope of claims of these patents, including these products:

- i. S1P2 antibody (Catalog # GTX71095)
- ii. S1P2 antibody (Catalog # GTX70493)
- iii. S1P2 antibody (Catalog # GTX70495)
- iv. S1P2 antibody (Catalog # GTX13127)
- v. S1P2 antibody (Catalog # GTX13128)
- vi. S1P2 antibody (Catalog # GTX13395)

21. Defendant LifeSpan has infringed claims of at least the ‘443 and ‘414 patents through, among activities, the manufacture, use, offer for sale, sale, and/or distribution of products and service utilizing Sphingosine 1-Phosphate Receptor 2/ aka Edg 5/ aka  $p^{H218}$  (“S1P2”) that fall within the scope of claims of these patents, including these products:

- i. Mouse Anti-Human S1P2 Monoclonal Antibody (Catalog # LS-C6741)
- ii. Rabbit Anti-Human S1P2 Polyclonal Antibody (Catalog # LS-C6742)
- iii. Endothelial Differentiation Gene 5 (EDG5) (S1P2) Rabbit anti-Human Polyclonal Antibody (Catalog # LS-C3039)
- iv. Rabbit Anti-Human S1P2 Polyclonal Antibody (Catalog # LS-C10319)
- v. S1P2 Rabbit Anti-Human Polyclonal Antibody (Catalog # LS-A1018)
- vi. S1P2 Rabbit Anti-Human Polyclonal Antibody (Catalog #LS-A1019)
- vii. S1P2 Rabbit Anti-Human Polyclonal Antibody (Catalog # LS-A1021)
- viii. S1P2 Peptide (Catalog # LS-P1018)
- ix. S1P2 Peptide (Catalog # LS-P1019)
- x. S1P2 Peptide (Catalog # LS-P1021)
- xi. Protein localization data library that includes the Gene Report and the Drug Target Database, the Immunohistochemistry Report Features and the Expression Focused Informatics about S1P2

22. Defendant Multispan has infringed claims of at least the '443 and '414 patents through, among activities, the manufacture, use, offer for sale, sale, and/or distribution of products and services utilizing Sphingosine 1-Phosphate Receptor 2/ aka Edg 5/ aka p<sup>H218</sup> ("S1P2") that fall within the scope of claims of these patents, including at least the following products: Multiscreen™ Stable Cell Line Human Recombinant S1P2 (Catalog # CG1051-1).

23. Defendant Novus has infringed claims of at least the '443 and '414 patents through, among activities, the manufacture, use, offer for sale, sale, and/or distribution of

products and services utilizing Sphingosine 1-Phosphate Receptor 2/ aka Edg 5/ aka p<sup>H218</sup> (“S1P2”) that fall within the scope of claims of these patents, including at least the following products: S1P2 antibodies corresponding to Novus Catalog Numbers NLS1021, and H00009294-R02.

24. The defendants’ infringement, contributory infringement and inducement to infringe have injured and will continue to injure PSN unless and until this Court enters an injunction prohibiting further infringement and, specifically, enjoining further manufacture, use, offer for sale, sale and/or distribution of products and/or processes that fall within the scope of PSN’s Patents. Further, as to at least defendants LifeSpan and Exalpha, the infringement has been willful and deliberate.

#### **PRAYER FOR RELIEF**

WHEREFORE, PSN asks this Court to enter judgment against the defendants, and against their subsidiaries, affiliates, agents, servants, employees and all persons in active concert or participation with them, granting the following relief:

- A. An award of damages adequate to compensate PSN for the infringement of PSN’s Patents that has occurred, together with prejudgment interest.
- B. Increased damages as permitted under 35 U.S.C. § 284.
- C. A finding that the case is exceptional and an award to PSN of its attorney fees and costs as provided by 35 U.S.C. § 285.
- D. A permanent injunction prohibiting further infringement, inducement and contributory infringement of PSN’s Patents.
- E. Such other and further relief as this Court or a jury may deem proper and just.



**JURY DEMAND**

PSN demands a trial by jury on all issues presented in this Complaint.

FOR PSN ILLINOIS, LLC

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